

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALEX HOLMES, *et al.*,

Plaintiffs,

v.

20 CV 4448 (LJL)

CHET MINING CO CANADA LTD., *et al.*,

Defendants.

Conference
(via Telephone)

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New York, N.Y.
February 14, 2022
11:05 a.m.

Before:

HON. LEWIS J. LIMAN,

District Judge

APPEARANCES

E. STEWART JONES HACKER MURPHY LLP
Attorneys for Plaintiffs

BY: JOHN F. HARWICK

CHET STOJANOVICH, Defendant *Pro Se*

1 (Case called)

2 THE COURT: We are here today on the application by
3 the plaintiffs for an order of finding Mr. Stojanovich in
4 contempt. I have in front of me the plaintiffs' motion for
5 contempt, which comes with a memorandum of law and an affidavit
6 of Mr. Harwick. I have Mr. Harwick on the phone. I also have
7 Mr. Stojanovich on the phone.

8 Before we go further, I want to make sure that neither
9 party objects to me proceeding today telephonically.
10 Mr. Harwick.

11 MR. HARWICK: No objection, your Honor.

12 THE COURT: Mr. Stojanovich.

13 MR. STOJANOVICH: No objection. Is my counselor on
14 the phone as well?

15 THE COURT: Mr. Stojanovich, we don't have counsel on
16 the phone for you.

17 MR. STOJANOVICH: That's a problem. I have to figure
18 out where he is.

19 THE COURT: We will adjourn until 11:15.

20 Mr. Stojanovich, you have some time to get a lawyer on
21 the phone. Otherwise, the hearing was noticed, and I intend to
22 go forward with it.

23 I would ask the parties and the court reporter to
24 please try to stay on the phone line. I am going to put my
25 phone line on hold. I will join you again at 11:15.

1 MR. HARWICK: Your Honor I would just like to know who
2 Mr. Stojanovich's purported attorney is. I have been trying to
3 see if there is going to be representation. I know he has
4 counsel in California, but they have declined representing him
5 in this proceeding. If I could ask the Court to obtain
6 information about who Mr. Stojanovich's counsel purportedly is,
7 I would appreciate that.

8 THE COURT: Who is that, Mr. Stojanovich?

9 MR. STOJANOVICH: I'm reaching out to Mark Riera. I
10 don't know if he has somebody in his stead to do this. I'm
11 kind of confused. I thought he was going to be on the phone.

12 MR. HARWICK: Your Honor, if I may interject, Mark
13 Riera is an attorney out in California that I have been
14 corresponding with about some behind-the-scenes negotiations.
15 I asked him if he was going to be appearing on
16 Mr. Stojanovich's behalf at today's hearing and he said
17 absolutely not. He is not admitted in New York State to
18 practice law, and he is not admitted in the Southern District
19 of New York federal court. So he advised me last week
20 specifically that he would not be appearing at today's
21 conference, at today's hearing.

22 THE COURT: I am still going to adjourn until 11:15.
23 I'll be back on with you.

24 MR. STOJANOVICH: I appreciate it, your Honor. I'm
25 sorry for this delay. I really apologize for this.

1 (Recess)

2 THE COURT: Do I have Mr. Harwick on the phone?

3 MR. HARWICK: Yes, your Honor.

4 THE COURT: Do I have Mr. Stojanovich on the phone?

5 MR. STOJANOVICH: Yes, your Honor.

6 THE COURT: Is there counsel for Mr. Stojanovich?

7 MR. STOJANOVICH: I am still trying to find out who is
8 supposed to be here right now. I apologize for this. I don't
9 know why there isn't somebody present.

10 THE COURT: We are going to proceed. The hearing has
11 been noticed for today and no counsel previously has noticed an
12 appearance on behalf of Mr. Stojanovich.

13 Mr. Harwick, let me hear from you first with respect
14 to your application, and then I will hear from Mr. Stojanovich.

15 MR. HARWICK: Thank you, your Honor.

16 May it please the Court, John F. Harwick on behalf of
17 the plaintiffs judgment creditors and movants: Alex Holmes;
18 Josh Navarro; Nico Tramontana; Bitcoin Ventures 2020, LLC;
19 Yasar Corporation; and OnePurpose LTD. My clients are judgment
20 creditors as against Chet Stojanovich and his various
21 companies.

22 THE COURT: Let me interrupt you for a second,
23 Mr. Harwick. Anybody who is not speaking should put their
24 phone on mute. That means the only person whose phone should
25 not be on mute are myself and Mr. Harwick.

1 Please proceed, Mr. Harwick.

2 MR. HARWICK: Thank you, your Honor.

3 I don't know if you need me to rehash any of that from
4 before, but the essentially I'm representing all the plaintiffs
5 in this case who are judgment creditors and the movants herein
6 as against Mr. Stojanovich and his related companies with
7 regard to what we think is a fraudulent scheme that deprived my
8 clients collectively of over a million dollars.

9 In Bitcoin we successfully obtained default judgments
10 against Mr. Stojanovich and then proceeded with collection
11 activities under the Federal Rules of Civil Procedure and the
12 New York State Article 52 of the CPLR, made applicable by the
13 federal rules, including issuing and serving an Article 52
14 subpoena for Mr. Stojanovich's deposition testimony and for him
15 to produce various documents and records.

16 As I set forth in my moving papers, which I am not
17 going to rehash here in the record because they are already part
18 of the record, Mr. Stojanovich was extremely evasive and
19 nonresponsive in many of his answers when by finally pinned him
20 down for a deposition after what I'll describe as herculean
21 efforts to get him to appear and to be present at an Article 52
22 deposition.

23 Critically, he failed to produce essentially any of
24 the documents that we subpoenaed with regard to his finances,
25 with regard to his business transactions, with regard to his

1 dealings.

2 I can represent to the Court that it has come to our
3 attention, since the filing of this motion, since the
4 deposition, that there are financial accounts and institutions
5 out there that Mr. Stojanovich is utilizing that he did not
6 disclose, that he did not reveal at his deposition, that he did
7 not produce documents and paperwork for, one of which is
8 located at Morgan Stanley. We were able to locate an account
9 for him at Morgan Stanley and another shell business that he is
10 using called Phoenix Investments or something to do with
11 Phoenix.

12 I also note for the record that we complied with all
13 procedural aspects of making this motion for contempt,
14 including properly serving Mr. Stojanovich personally with the
15 application, and, obviously, he was put on notice of this
16 application, because he's on the call today, and we also served
17 him with a copy of local rule 83.6, as required by the local
18 rules, which sets forth the procedure for contempt.

19 So we are asking the Court to issue an order holding
20 Mr. Stojanovich in contempt of Court, reimbursing us for
21 reasonable attorneys' fees, ordering him to appear, I would say
22 at this point in time, in person at a deposition. We have had
23 some technical difficulties, feigned or real, in the past,
24 trying to conduct this deposition by and zoom. I would request
25 that he be ordered to appear in person for a further Article 52

1 deposition and provide a written sworn to response with regard
2 to each category of the documents that we subpoena as shown by
3 Exhibit A to our Article 52 subpoena.

4 I am reserving my right to issue additional subpoenas
5 because we have, as I have indicated, discovered different
6 shell entities that we believe Mr. Stojanovich is currently
7 using to defraud additional investors and to hide assets.

8 So that's our application.

9 I will note for the record that I have spoken with an
10 attorney by the name of Mark Riera, who represents Chet on some
11 underlying negotiations that we were having. I did ask
12 Mr. Riera if he was going to appear or secure representation
13 for Mr. Stojanovich at today's contempt hearing. After I did
14 send him the notice of the hearing and advised him to -- I also
15 sent him the contempt motion as well, that is, Mr. Riera, and
16 advised him of today's hearing. I sent him a copy of today's
17 hearing order. And he unequivocally said he is not admitted to
18 practice law in the State of New York, not admitted in the
19 Southern District of New York, and would not be appearing here
20 today.

21 This is the first step to get Mr. Stojanovich to
22 comply with our outstanding discovery. If he fails to comply,
23 I am going to ask the Court to hold Mr. Stojanovich in criminal
24 contempt and to further ask that the Court issue an arrest
25 warrant directed towards the United States Marshal to find and

1 arrest Mr. Stojanovich if he continues to fail to comply with
2 our efforts to discover his assets and allow for the collection
3 of these substantial judgments.

4 Finally, I will note for the record that
5 Mr. Stojanovich lives in Manhattan, in an apartment that we
6 believe rents for approximately \$6,000 per month. His Morgan
7 Stanley account shows substantial brokerage activity, as does
8 his Coinbase account, which shows millions of dollars being
9 transacted over the last several years in cryptocurrency.

10 One of the main things we are seeking to discover here
11 is his hard drives and the keys to his cryptocurrency assets in
12 his cryptocurrency accounts. That was also part of my
13 subpoenas and my supplemental subpoenas.

14 In sum, we are asking the Court to issue an order
15 finding Mr. Stojanovich in contempt by fully complying with all
16 outstanding discovery, including but not limited to, providing
17 us with access to his cryptocurrency accounts and assets.
18 Falling short of his full compliance, we are going to ask that
19 he be placed under arrest by the United States Marshal until he
20 does comply.

21 THE COURT: Let me ask you a few follow-up questions.

22 First of all, in terms of the order that you contend
23 Mr. Stojanovich has failed to comply with, I gather, it is, in
24 part, the failure to appear on September 2, 2021, which was
25 required by the subpoenas that you served on him, including the

1 May 18, 2021 subpoena, is that correct?

2 MR. HARWICK: Yes.

3 THE COURT: Then, in addition to the failure to
4 appear, are you also seeking a contempt order with respect to
5 the failure to produce the documents demanded by the subpoenas?

6 MR. HARWICK: Yes, your Honor.

7 THE COURT: Could you identify for me some of the
8 specific requests that you contend that Mr. Stojanovich has
9 failed to comply with and your evidence that supports that
10 failure to comply. You're welcome to go through every single
11 one of them. You're also welcome to just highlight the ones
12 for me that you think are most important.

13 MR. HARWICK: Essentially, we subpoenaed
14 Mr. Stojanovich and his company, attached as schedule A, which
15 has a laundry list of documents that we typically see in
16 collection cases. He essentially failed to comply with almost
17 everything on that list.

18 THE COURT: I have Exhibit A to Exhibit 62-4 in front
19 of me.

20 Mr. Harwick, I have in front of me Exhibit A to your
21 January 29, 2021 subpoena, which also appears at the docket at
22 62-4. Is that what I should be looking at, Exhibit C?

23 MR. HARWICK: That's what you should be looking at,
24 your Honor. I also made some follow-up demands and requests
25 later on at depositions when he did appear, specifically

1 seeking hard drives and data.

2 I am not sure how much the Court is aware of
3 cryptocurrency, but essentially cryptocurrency is electronic
4 currency that can be kept on various hard drives and on
5 electronic devices instead of at financial institutions. We
6 had requested that he produce hard drives. We requested that
7 he produce his telephone. We requested that he produce his
8 log-in information to his Apple iCloud account, which he
9 testified would have documentation about his crypto assets.

10 But essentially, your Honor, Mr. Stojanovich failed to
11 produce in any meaningful manner any of the documentation that
12 we subpoenaed, which you are correct, is attached to our
13 subpoena as Exhibit A.

14 THE COURT: Am I correct in thinking that that begins
15 at item 52 with all cryptocurrency records and statements and
16 end at item 61, with any other information documents or
17 electronic data showing ownership or control of any
18 cryptocurrency?

19 MR. HARWICK: Yes, your Honor. That, amongst the
20 other more traditional documentation with regard to his
21 traditional assets, he has failed to produce.

22 THE COURT: Do you want to make a proffer to me or
23 point me to the evidence -- perhaps it's from the deposition --
24 that shows that he has some of the information that you are
25 seeking in the subpoena and that he failed to produce.

1 MR. HARWICK: I can go through that. Let me just pull
2 up that deposition transcript. There were several. But I'll
3 make a representation to the Court that he did testify at his
4 deposition that he had -- for example, one stark example is the
5 log-on information for his iCloud account. We went through
6 that at length. He promised to get it to me, but he never did.
7 That's one I mean.

8 There is a page in the transcript, but he claimed to
9 have a hard drive or some type of document down in his car, and
10 we invited him to go get it in his car, and he refused to go
11 get it.

12 We do believe he has this information. Like I said, I
13 can also file a supplemental document that sets forth exactly
14 what he testified to --

15 THE COURT: I have your Exhibit J, which is his
16 testimony, and I have read it. I am satisfied that you can
17 make the finding that he testified that there is information
18 that was called for by the subpoena but that has not been
19 produced, but I'll be asking you for the records to just point
20 out some of that.

21 MR. HARWICK: I apologize I didn't go through the
22 deposition with a fine-tooth comb before this hearing. I can
23 submit a supplemental --

24 THE COURT: I don't want you to do that. I want to
25 resolve this today.

1 I'm looking at page 45 of the deposition. You asked
2 the question: Do you own any cryptocurrency? And there is an
3 answer: I have some miscellaneous wallets with like a little
4 bit of crypto I found recently, but I liquidated most of it.

5 Is that part of what you are referring to?

6 MR. HARWICK: Yes, it is. The reality of this case,
7 Judge, is that we know he stole over a million dollars from my
8 clients.

9 THE COURT: Mr. Harwick, do you have the deposition in
10 front of you?

11 MR. HARWICK: I'm pulling it up now.

12 THE COURT: Why don't you spend a minute and be
13 prepared to go through with me what your highlights are. I've
14 got --

15 MR. HARWICK: Let me just put you on mute so I'm not
16 giving you any feedback while I pull up this deposition.

17 MR. STOJANOVICH: Your Honor, should I stay quiet
18 until you ask me to speak?

19 THE COURT: Mr. Stojanovich, I'll give you an
20 opportunity after he is done.

21 MR. STOJANOVICH: OK. Thank you very much, your
22 Honor.

23 THE COURT: Mr. Harwick, are you prepared?

24 MR. HARWICK: Yes. I'm just pulling up the deposition
25 on my computer here. I'm sorry, Judge. What page were you on?

1 THE COURT: You just tell me what pages you want me to
2 focus on. You know your deposition.

3 MR. HARWICK: Your Honor, I'm referring to page 45-46
4 of the deposition transcript where I'm asking him about his
5 various accounts at these brokerage houses, one of which is
6 called Gemini, another of which is called Coinbase. We are
7 trying to locate his crypto assets. He acknowledges he has
8 some crypto, liquidated the crypto within the last few months.
9 He references that at page 45 of the deposition.

10 Again, it is also not only related to crypto, but
11 related to his traditional assets. We know he has got to have
12 a bank account somewhere to pay his bills. We know he has to
13 have a bank account to pay his rent.

14 At page 77 to 83, there is a discussion about external
15 hard drive, which it's my understanding that crypto can
16 actually be stored on an external hard drive and then accessed
17 if you have the correct key. So we asked him about that from
18 page 77 to 83 of the transcript.

19 We asked him about the account statements for bank
20 accounts in which he accepted payments from the plaintiffs or
21 deposited money from the plaintiffs at page 67 and 68.

22 Also, he acknowledged the existence of financial
23 accounts at Charles Schwab and TD Ameritrade at page 107, 108
24 of the deposition. Again, all this documentation was not
25 produced. When pressed about it he said -- he continually said

1 he would have to check or he'd have to go check this. He
2 didn't know which credit cards were still active. That's at
3 page 31-32 of the transcript.

4 His father passed away and left a testamentary trust.
5 Again, he wasn't producing any information about that. That's
6 at page 25 of the transcript.

7 The discussion on the crypto essentially runs from
8 page 45 to page 51 of the transcript.

9 THE COURT: Last question I've got for you. As part
10 of your relief I jotted down that you are seeking written
11 responses by Mr. Stojanovich to your subpoenas. Did I jot that
12 down correctly?

13 MR. HARWICK: Yeah. For each category of documents
14 what I think we need to do is he needs -- I need to depose him
15 again, and he needs to answer these questions truthfully and
16 fully. Before that, I need him to produce the documentation
17 that is called for by the subpoena.

18 THE COURT: I understand that.

19 Mr. Harwick, you anticipated my question, which was
20 going to be why you would need written responses to the
21 requests in the subpoena, as opposed to just asking him orally
22 about them and getting the documents in advance.

23 Let me hear from Mr. Stojanovich.

24 Mr. Stojanovich, can you explain to me why you didn't
25 appear at the deposition and what your excuse is for failing to

1 produce the documents. You can tell me anything else you want
2 me to know.

3 MR. STOJANOVICH: Yeah.

4 For starters, we were working towards a mutual
5 settlement at that time. So I thought it was mutually agreed
6 that I wouldn't have to go on September because we were talking
7 behind and, as of very recently, we signed a settlement
8 agreement that was proposed forward.

9 I have no issue producing any documents that I have.
10 There are a few areas that you guys covered. During the
11 deposition they asked me if I had any crypto holdings. When I
12 said I had very small, probably some very small holdings here
13 and there, it's not like in a traditional way and it's not --
14 it was the backup hard drive for my documents, not for my
15 crypto holdings. That backup drive I was talking about I
16 couldn't find, and it was for my bank records that I had
17 before, but those accounts had already been closed that he was
18 asking about.

19 One of the difficult things about getting bank
20 accounts that have already closed, the records for it, banks,
21 they usually don't keep them for very long. So I put in a
22 request for them, but during COVID it was very difficult
23 because there was no in-branch ability to go see a banker,
24 which with Charles Schwab and TD those accounts have been
25 closed, and there wasn't really somebody that could in to

1 produce those documents.

2 I am not trying to withhold these document or hide
3 anything whatsoever. I went ahead and tried to produce as much
4 as I could on that list. Some of the stuff just didn't apply
5 where I just didn't have one thing or another ever, so it
6 didn't apply at all.

7 I have no problem producing anything that he requests,
8 but, in large part, I thought today we were going to be
9 removing the motion because of the settlement agreement that we
10 had. That's predominantly why we didn't do a follow-up on
11 this. And this motion for a contempt was filed just before the
12 settlement agreement was reached. That's why this stuff wasn't
13 produced because, frankly, I didn't think that it was needed,
14 needed to be produced.

15 That is predominantly the first reason why the stuff
16 wasn't turned over, and I'm more than happy to turn over
17 anything that the requested, of course. I'm an open book in
18 that regard.

19 It's going to take me time to compile everything.
20 Some of the stuff doesn't apply and some of the stuff does. It
21 came down to basically working together on this to go ahead and
22 find an amicable solution. What I'm trying to do right now is
23 figure out exactly what the path is forward for everybody to
24 obviously part ways amicably and the settlement to be sorted
25 out.

1 I do understand that there was also a serving -- he
2 brought up the apartment. I don't live there anymore, so I
3 didn't get the serving. All I got was -- I got a notification
4 that the court date was here. It was a one-pager. It was
5 dropped at my old building.

6 I was trying to figure out what the best way forward
7 was with the settlement agreement. When it came to my
8 apartment, I basically moved out of my apartment almost --
9 quite a while ago, and I'm in between places right now, so I
10 didn't get the full deposition documents.

11 I have had some issues in that regard with getting
12 mail and stuff like that, so I don't know how it was sent over.
13 But the building will sometimes just grab that stuff.
14 Sometimes they notify me. Sometimes they don't. But when I
15 was notified of this date, I got a one-pager from the Court
16 saying that I had to show up, and I feel clearly willfully
17 unprepared for this because I'm also not confident about the
18 decorum of such a hearing or what I'm supposed to do.

19 I also would -- my counselor got me in touch with
20 another lawyer for this specific issue, but I didn't think that
21 we were going to even move forward with this because of the
22 settlement agreement.

23 I kind of don't know where to begin on that stuff, but
24 I didn't get the full documents to be prepared for today, and I
25 know that that's my responsibility to sort out. But, at the

1 same time, I wish I had a better beat on all of the stuff right
2 now because I don't have the deposition documentation or the
3 ability to go trace back over, which counsel is.

4 While I know this is important for them to have, and
5 if they are going to continue moving forward with the -- with
6 this motion, then I am going to make sure that I go ahead and
7 provide whatever documentation that they need. Obviously,
8 whatever is being settled prior to this is going to have be
9 sorted out as well.

10 I'm trying to do everything in good faith right now.

11 Is there anything else that I need to cover, your
12 Honor?

13 THE COURT: I do have a couple of questions for you,
14 Mr. Stojanovich.

15 First, is your e-mail Chet@Chetmining --

16 MR. STOJANOVICH: I don't have that anymore.

17 THE COURT: Sir, you knew your deposition was
18 continued until September 2, 2021, didn't you?

19 MR. STOJANOVICH: We spoke about it, but we were
20 moving forward on the precept that we were going to sign a
21 settlement agreement and that the deposition wouldn't need to
22 be continued.

23 THE COURT: Did anybody from the plaintiffs actually
24 tell you that you didn't need to appear on September 2, 2021?

25 MR. STOJANOVICH: This is what I discussed with John

1 in detail. It was what my counselor was doing over at JMJB.

2 That's how we were proceeding forward.

3 THE COURT: No. I don't know if you answered my
4 question.

5 Did anybody who represented the plaintiff actually
6 say, prior to September 2, 2021, that you did not need to
7 appear on September 2, 2021?

8 MR. STOJANOVICH: I do believe John had said that I
9 don't need to appear if we were doing a settlement.

10 THE COURT: When do you say he said that?

11 MR. STOJANOVICH: This was, I think, a week before,
12 two weeks, in August, we had spoken on the phone.

13 THE COURT: Here is what I am going to do,
14 Mr. Harwick. I am going to hold in abeyance the motion for
15 contempt, but I am going to order Mr. Stojanovich to appear in
16 person for a deposition. I am going to give him a date
17 certain, which you will give me in a moment. I am going to
18 provide a date certain by which he has to produce all of the
19 documents. And then I am going to schedule a hearing for a
20 point after that with respect to your motion for contempt at
21 which I will hear the evidence with respect to him being
22 relieved from the September 2 deposition, as well as your
23 application with respect to contempt on the failure to produce
24 documents. I want to do all of that quite quickly.

25 Mr. Harwick, why don't you tell me when you want to do

1 the deposition in person.

2 MR. HARWICK: Yes, your Honor. Let me check my
3 calendar.

4 I just would like to add, for the record, that I did
5 not relieve Mr. Stojanovich from appearing at the September
6 deposition, verbally or in writing. If I had done it, I would
7 have done it in writing, not verbally, and I didn't do it
8 verbally or in writing.

9 THE COURT: That's what I will need the hearing on.
10 Somebody is right and somebody is wrong. If they are wrong,
11 and there is willfulness in terms of what they have said, civil
12 contempt may be the least of the issues.

13 What date?

14 MR. HARWICK: Let me see, your Honor. I would like to
15 do this on -- Friday, March 4 would work for me.

16 THE COURT: What time and where?

17 MR. HARWICK: I would have to secure a location in New
18 York City. I believe Mr. Stojanovich lives in Manhattan.
19 Maybe Diamond Court Reporting or a place to be announced. I
20 don't know if the Court has any facilities to conduct
21 depositions.

22 But typically when I have done them in the city, I
23 have used Diamond Court Reporting. They have facilities in
24 midtown Manhattan. I would have to confirm with them that
25 those facilities are open. I believe they are. I haven't been

1 down since before COVID. But I would need to come down on the
2 train, so to commence probably at noon and go until we complete
3 the deposition.

4 I also wanted to note for the record that at page 118
5 of the deposition transcript, attached to the motion papers as
6 Exhibit J, we did demand the production of a number of other
7 things which I consider to be part of the subpoena.

8 I would propose March 4, 2022 commencing at -- I could
9 get down there by 11:30 and just continuing. I would just want
10 to confirm the location with Diamond Court Reporting. I know
11 they have more than one office, but I would want to pick an
12 office that's located somewhere in Manhattan, if
13 Mr. Stojanovich still lives in Manhattan.

14 I'd also ask that we be provided with his current
15 address so we can complete mailings and service upon him at his
16 current address if in fact he has moved.

17 Also, I would like to get an updated e-mail. The ones
18 that I've been sending to the Chet Mining e-mail have not been
19 getting returned. But Mr. Stojanovich did e-mail me today,
20 your Honor, for the record, from an e-mail that has the
21 following address: admin@phoenixdatas.com.

22 I would just ask that he confirm that that's his
23 correct e-mail and give us his correct residential address, for
24 the record, as well as his phone number.

25 THE COURT: Let me turn to that in a moment.

1 Mr. Stojanovich, is there any reason why I shouldn't
2 order you to appear on March 4, 2022 at 11:30 a.m. at a Diamond
3 Court Reporting office for your deposition to continue until
4 concluded?

5 MR. STOJANOVICH: For the face-to-face deposition, is
6 it possible that we -- if I could speak to my counselor about
7 how that should be done. I am right now between places, as I
8 said. I am outside of the city.

9 THE COURT: No. You are going to give me -- either
10 March 4 there is a good reason --

11 MR. STOJANOVICH: March 4 is fine, is what I'm saying.
12 Is it possible that I can have a counselor there is what I'm
13 asking?

14 THE COURT: If you have a counselor who represents you
15 and who appears in this case and files an appearance in this
16 case, then you can have a lawyer present. I'm not going to
17 stand in your way.

18 I am going to order you to appear on March 4, 2022 at
19 11:30 a.m. at a Diamond Court Reporting office in New York City
20 to be designated by the plaintiffs.

21 I'm also going to order you by March 1 to produce all
22 of the documents that have been requested in the subpoenas,
23 dated January 29, 2021; March 29, 2021; and May 18, 2021 as
24 further supplemented by the requests made in your deposition of
25 June 23, 2021, which was adjourned to September 2, 2021.

1 I am going to hold in abeyance the motion for a
2 contempt order, and in a moment I am going to get a date from
3 my courtroom deputy for that.

4 Mr. Stojanovich, were you trying to say something?

5 MR. STOJANOVICH: No. There was a beeping sound while
6 you were speaking.

7 THE COURT: Do you understand what I've said, that you
8 need to appear on March 4, 2022 at a Diamond Court Reporting
9 office?

10 MR. STOJANOVICH: Yes, I do, your Honor.

11 THE COURT: I'm also going to direct you to update the
12 clerk of the court of the Southern District of New York with a
13 current mailing address for you.

14 MR. STOJANOVICH: Absolutely.

15 THE COURT: Can you give us right now, on the record,
16 your mailing address and your current e-mail.

17 MR. STOJANOVICH: My current e-mail is the one that he
18 listed before, the admin@phoenixdatas.com.

19 THE COURT: Please state it again so the court
20 reporter can get it down.

21 MR. STOJANOVICH: The admin@phoenixdatas.com.

22 THE COURT: Please spell it.

23 MR. STOJANOVICH: A-d-m-i-n-a-t-p-h-o-e-n-i-x-d-a-t-a-
24 s.com.

25 THE COURT: What is your mailing address?

1 MR. STOJANOVICH: My mailing address -- this is
2 probably the best one I can give -- is -- sorry. I've been
3 switching between places. I have to look it up real quick.
4 I'm sorry. It's a new address. They can also use a lawyer's
5 address as well over at JMJB in California. I just don't have
6 a very permanent address right now.

7 THE COURT: Mr. Stojanovich.

8 MR. STOJANOVICH: 50 West Street, New York, New York,
9 10006.

10 MR. HARWICK: Is there an apartment number?

11 MR. STOJANOVICH: 29A is my former apartment number.
12 That's the most recent -- that's the most active address I can
13 use right now. I had to vacate my previous place.

14 THE COURT: Mr. Harwick, does that do it for you?

15 MR. HARWICK: Your Honor, we have tried service at
16 that and those documents come back unclaimed. That is his
17 former address before he moved to Duane Street.

18 Are you representing to the Court, Mr. Stojanovich,
19 that you are no longer residing at the Duane Street address
20 where we served you with the various subpoenas?

21 MR. STOJANOVICH: No, I'm not.

22 THE COURT: Mr. Stojanovich, let me further advise you
23 of a couple of things.

24 First of all, in order to receive copies of court
25 filings, you need to do one of two things. You need to make

1 sure the Clerk of Court has a current address for you where
2 items can be sent, or if you wish to receive service by e-mail,
3 you can get in touch with the Clerk of Court. There is a form,
4 and you can give them your e-mail address. I would encourage
5 you to go to the Court's website and to do one of those two.

6 In the absence of you providing either a current
7 mailing address or filling out the form for e-mail service, we
8 will assume that you have got a notice. You understand?

9 MR. STOJANOVICH: Yes. What I'll do is, I'll fill out
10 that form on the Court's website so we can send things
11 electronically.

12 THE COURT: The second thing that I am going to advise
13 you of, Mr. Stojanovich, is that there is a legal clinic in the
14 Southern District of New York. It's called the NYLAG legal
15 clinic. It does provide advice to people who are *pro se* and
16 who generally cannot afford counsel. I don't know whether you
17 qualify for getting advice from them, but they are a resource
18 that is available. Their information is also available on the
19 Court's website, and you might consult with them.

20 MR. STOJANOVICH: I thank you for that, your Honor.
21 That will be helpful.

22 THE COURT: One last thing before we schedule the
23 adjourned date for the contempt hearing.

24 Mr. Harwick, I am going to order you to order a copy
25 of this transcript and to provide a copy of that transcript to

1 Mr. Stojanovich so that he is aware, again, of my orders and
2 the reasons for them.

3 Before we get to a date for the adjourned hearing, is
4 there anything further from you, Mr. Harwick?

5 MR. HARWICK: No, your Honor. Thank you.

6 THE COURT: Anything further from you,
7 Mr. Stojanovich?

8 MR. STOJANOVICH: No, your Honor. Thank you very
9 much.

10 THE COURT: Matt, date in late March for the adjourned
11 hearing for contempt proceeding.

12 THE DEPUTY CLERK: We can do March 25 at 4:30 p.m.

13 THE COURT: March 25 at 4:30 p.m. That will be remote
14 unless I receive a request two days before, so by 5 p.m. on
15 March 23, for the proceeding to take place in the courtroom.
16 Otherwise, I will assume that it is proceeding remotely. If
17 either side wants it to be in person, just send me that letter
18 and he will do it in person.

19 Thank you to the court reporter. Everybody, stay safe
20 and stay healthy.

21 Mr. Stojanovich, again, March 4, 2022 at 11:30 a.m.

22 Mr. Harwick, why don't you file on the docket a letter
23 by Wednesday of this week with the precise location where the
24 deposition is going to take place. Any problems with that?

25 MR. HARWICK: Yes. No problem with that.

1 THE COURT: Good luck, everybody. Stay safe and stay
2 healthy. Thank you.

3 (Adjourned)